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**OCT 04 2002** Docket No.: 198334US-8

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**ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231**

**RE:** Application Serial No.: 09/741,824  
Applicants: Kazuhisa KASHIHARA, et al.  
Filed: DECEMBER 22, 2000  
**For:** ARRAYED WAVEGUIDE GRATING TYPE  
OPTICAL MULTIPLEXER/DEMULITPLEXER AND  
OPTICAL WAVEGUIDE CIRCUIT  
Group Art Unit: 2874

SIR:

Attached hereto for filing are the following papers:

- (1) **REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE THE NOTICE TO FILE MISSING PARTS**
- (2) **MAIL LOG COMPUTER PRINT OUT**
- (3) **FACSIMILE TRANSMITTAL TO USPTO CUSTOMER CORRECTIONS DATED APRIL 4, 2002 WITH ATTACHMENTS**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Bradley D. Lytle  
Registration No. 40,073



**22850**

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198334US-8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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IN RE APPLICATION OF : :

OCT 04 2002

Kazuhisa KASHIHARA, et al. : EXAMINER:

TECHNOLOGY CENTER 2800  
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SERIAL NO: 09/741,824 : GROUP ART UNIT: 2874

FILED: DECEMBER 22, 2000 : :

TITLE: ARRAYED WAVEGUIDE GRATING TYPE OPTICAL  
MULTIPLEXER/DEMULTIPLEXER AND OPTICAL WAVEGUIDE CIRCUIT

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**  
**BASED ON FAILURE TO RECEIVE THE NOTICE TO FILE MISSING PARTS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive to the Oral Statement made by SPRE Hien Phan on September 3, 2002 indicating that the United States Patent and Trademark Office is considering the subject application abandoned, Applicants, through counsel of record, respectfully request that the holding of abandonment for the above-identified Application be withdrawn due to the fact that the Notice to File Missing Parts supposedly mailed by the Patent and Trademark Office was not received by Applicants' Attorney. The facts concerning this matter are as follows.

Upon receipt of mail from the Patent and Trademark Office in this firm, all mail is opened and logged in a daily computer log. The due date is entered in the firm computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in

the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent and Trademark Office mail are also entered in the computer.

After Bradley D. Lytle (Registration No. 40,073) of our firm was notified during an interview on another application that the subject application is considered to be abandoned by the USPTO, our computer system was checked. The computer Patent Due Dates section for the subject application did not show a current due date for the Declaration, nor did it show receipt of the Notice to File Missing Parts (see attached computer printout).

The application file was then pulled and the full contents of the file were reviewed. The application file contained no Notice to File Missing Parts. The Patent Office computerized Mail Log was then checked. All mail received from the Patent and Trademark Office is logged in the mail log by serial number or patent number, along with a description of the mail received, on a daily basis. Mail from the Patent Office is generally received by our firm within two or three days of mailing. However, to ensure a complete check, the daily log was checked and found to contain no record of having received the Notice to File Missing Parts for the above-identified application.

Additionally, on April 4, 2002, our firm submitted to the USPTO's Customer Corrections Department a Status Inquiry regarding Notice to File Missing Parts of Applications for numerous pending patent applications. It is noted that the above-identified pending application was included in that Status Inquiry. A copy is of the Status Inquiry along with a copy of the receipt facsimile transmittal is enclosed for your convenience.

It is believed that the above discussion and documents enclosed herewith clearly prove the nonreceipt of the Notice to File Missing Parts and therefore, the holding of abandonment was issued in error.

Filed herewith is a Declaration, signed by the Inventors, the absence of which in the USPTO's file is believed to be the basis for the USPTO considering the subject application to be abandoned.

Accordingly, it is requested that the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

*bradley d. lytle*

Bradley D. Lytle  
Registration No. 40,073



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Page 2 of 2

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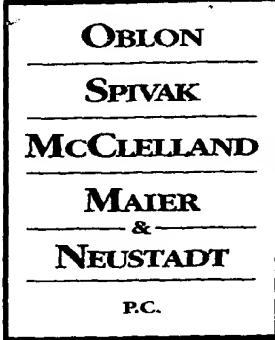
MJS Spivak, Marvin J. (Responsible Attorney)  
MM Mori, Masayasu . (Working Attorney)

**DUE DATES****Due Date Description:** Application Due Priority**Date Due:** 12/27/2000 **Indicator:** Due Date      **Date Cleared:** 12/22/2000      **Cleared W/O Action:** No**Due Date Description:** OFR Rcvd**Date Due:** 03/22/2001 **Indicator:** Status Check      **Date Cleared:** 02/12/2001      **Cleared W/O Action:** No**Due Date Description:** IDS Due**Date Due:** 03/22/2001 **Indicator:** Due Date      **Date Cleared:** 03/21/2001      **Cleared W/O Action:** No**Due Date Description:** Follow up IDS Ack**Date Due:** 06/21/2001 **Indicator:** Due Date      **Date Cleared:** 00/00/0000      **Cleared W/O Action:** No**Due Date Description:** 1.56 File By**Date Due:** 02/14/2002 **Indicator:** Due Date      **Date Cleared:** 02/08/2002      **Cleared W/O Action:** No**Due Date Description:** 1st OA Status**Date Due:** 10/31/2002 **Indicator:** Status Check      **Date Cleared:** 00/00/0000      **Cleared W/O Action:** No**RELATED CASES - CHILDREN CASES**

Child Docket Number: 217183US-1294-1294-8-CIP

Oblon Case: 

Title: ARRAYED WAVEGUIDE GRATING TYPE OPTICAL MULTIPLEXER/DEMULTIPLEXER AND



*[Handwritten signature]*

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	U.S. Patent & Trademark Office	703-308-7751
	COMPANY/FIRM	FAX #
	NUMBER OF PAGES INCLUDING COVER: <u>2</u>	CONFIRM FAX: <input type="checkbox"/> YES <input type="checkbox"/> NO
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	703-412-6280	YOUR REFERENCE
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## MESSAGE

Applications awaiting Notices to File Missing Parts

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*V.G.M.* \* \* \* COMMUNICATION RESULT REPORT ( APR. 5.2002 9:39AM ) \* \* \*

TTI OBLON, SPIVAK, ETC.

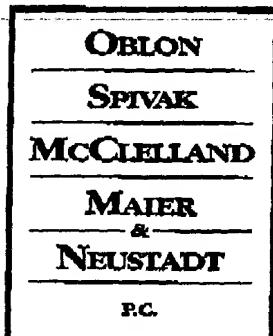
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PATENT, TRADEMARK AND COPYRIGHT LAW  
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TO	Customer Corrections	DATE	April 4, 2002
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	COMPANY/FIRM		
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## MESSAGE

Applications awaiting Notices to File Missing Parts

To: Customer Corrections  
U.S. PATENT & TRADEMARK OFFICE

From:

Sandra Bramble  
Oblon, Spivak, McClelland, Maier, & Neustadt, P.C.  
Phone: 703-412-6280  
Fax: 703-413-2220

Date: April 4, 2002

The Notices to File Missing Parts of Applications have not been received in the following applications. Please provide one or complete the status section and return by fax to Karen Hudson at the number noted above.

DOCKET NUMBER	SERIAL NUMBER	DATE APPLICATION COMPLETED	STATUS OF APPLICATION
202131US3	09/764,261	01-19-2001	
0557-4742-2	09/566,213	08-02-1999	
198334US2	09/741,824	12-22-2000	
4947-0104-2	09/497,168	02-23-2000	
196789US2	09/657,145	09-07-2000	
4947-0092-2	09/449,732	11-26-1999	
210567US3	09/892,372	06-28-2001	
218817US	10/054,947	01-25-2002	
210287US2	09/892,697	06-28-2001	
209693US3X	09/876,021	06-08-2001	
215865US3	09/986,877	11-13-2001	
206344US2S	09/838,212	04-20-2001	

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